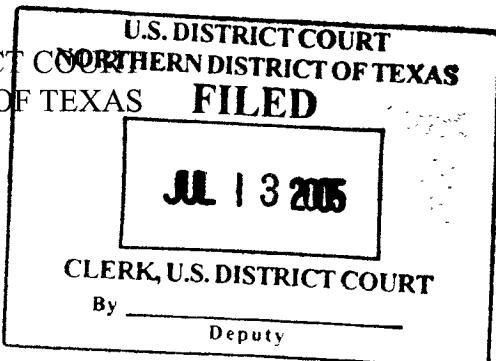


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



ERVIN STERLING BROWN,  
a.k.a. Ervin Sterling Brown, Jr.,

Petitioner,

V.

2:05-CV-0143

DOUGLAS DRETKE, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

## Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,**  
**and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the petition for a federal writ of habeas corpus filed by petitioner ERVIN STERLING BROWN a.k.a. Ervin Sterling Brown, Jr. Said habeas petition was filed without prepayment of the required \$5.00 filing fee. With his petition for habeas relief, petitioner submitted an “Application to Proceed *In Forma Pauperis*” and a certified *in forma pauperis* data sheet from the penal institution in which he is incarcerated.

On May 26, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's "Application to Proceed *In Forma Pauperis*" be denied, and that the petition for a writ of habeas corpus filed by petitioner be dismissed for failure to pay the \$5.00 filing fee. On June 8, 2005, petitioner was granted an extension of time, until July 8, 2005, in which to pay the filing fee. As of this date, no objections to the Report and Recommendation have been filed of record, nor has the \$5.00 filing fee been

paid.

Based upon an independent examination of the record in this case, the District Judge is of the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, petitioner's "Application to Proceed *In Forma Pauperis*" is DENIED, and the petition for a writ of habeas corpus filed by petitioner ERVIN STERLING BROWN a.k.a. Ervin Sterling Brown, Jr. is DISMISSED.

IT IS SO ORDERED.

ENTERED this 13<sup>rd</sup> day of July 2005.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE